REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-9 remain in the application. Claims 1, 4, and 7 have been amended.

In item 2 on pages 2-4 of the above-mentioned Office action, claims 1-2, 4, 6-7, and 9 have been rejected as being unpatentable over Kirchlinde et al. (US Pat. No. 6,577,227 B1) in view of Gunnarsson (US Pat. No. 5,414,427) under 35 U.S.C. § 103(a).

In item 3 on pages 4-5 of the above-mentioned Office action, claim 3 has been rejected as being unpatentable over Kirchlinde et al. in view of Gunnarsson and further in view of Daiss et al. (US Pat. No. 6,549,115) under 35 U.S.C. § 103(a).

In item 4 on page 5 of the above-mentioned Office action, claims 5 and 8 have been rejected as being unpatentable over Kirchlinde et al. in view of Gunnarsson in further view of Gold (German Published, Non-Prosecuted Patent Application DE 197 18 423 A1) under 35 U.S.C. § 103(a).

The rejections have been noted and claims 1, 4, and 7 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 15, lines 7-15 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

> a portable code transmitter transmitting back a response signal only after receiving the interrogation signal having one of the elliptical polarization and the circular polarization; and
>
> a vehicle-mounted evaluation unit receiving and checking an authorization of the response signal and upon the response signal providing proper authorization, said vehicle-mounted evaluation unit evaluating a received signal and comparing a code content of the received signal with a stored value only after receiving a circularly polarized or elliptically polarized signal, said evaluation unit one of triggering and enabling vehicle-specific functions.

Claim 4 calls for, inter alia:

> evaluating a received signal and comparing a code content of the received signal with a stored value by a vehicle-mounted evaluation unit only after receiving a circularly polarized or elliptically polarized signal.

Claim 7 calls for, inter alia:

> receiving an interrogation signal in a wave having one of an elliptical polarization and a circular polarization in a portable code transmitter and subsequently transmitting back a response signal as a wave having one of an elliptical polarization and a circular polarization; and

> recognizing the response signal as being authorized by a vehicle-mounted transceiver unit only after receiving a circularly polarized or elliptically polarized signal and only if, at least two field components of the response signal which are different in their spatial direction are received and, a coded information item contained in the response signal corresponds to a coded information item expected by the vehicle-mounted evaluation unit.

Gunnarsson discloses a transponder, which exchanges data with a transceiver. The transponder is disposed, for example, on or behind the windshield and sends information back to a traffic inquiry unit if it has previously received a signal from the later. The transponder can send and receive its signals in linear polarization or also in circular polarization (see column 8, lines 46-48 and 60-64). The circular polarization is used so that the transponder does not have to be disposed in a certain direction, but can receive the circularly polarized signals in any orientation.

In contrast, the object of the invention of the instant application is not to use circularly polarized signals so that the transponder can receive the signals from the transceiver in the vehicle in any orientation, but to make the interception of the signals more difficult. When a person skilled in the art is given the task of making the interception more difficult, he or she would not look to Gunnarsson because in Gunnarsson the transponder/receiver does

not have to be disposed in a certain orientation, and the receipt of the signals is even made easier through the use of the circular polarization compared with linear polarization. Therefore, a person skilled in the art would never obtain the idea to combine the two references Gunnarsson and Kirchlinde et al.

The Examiner is correct that Gunnarsson discloses a transponder, which sends and receives circularly polarized signals. However, in Gunnarsson an interception of the signal will not be made more difficult. A person skilled in the art obtains no hint from Gunnarsson as to how the interception would be made more difficult.

According to the invention of the instant application, on the one hand, the transponder only sends out a response signal when it has received an elliptically or circularly polarized signal previously. On the other hand, the transceiver in the vehicle only evaluates a received signal and compares the code content thereof with a stored value when it has received a circularly or elliptically polarized signal previously. In other words, it depends on whether or not a circularly or elliptically polarized signal was received. Only then is there further action. If no circularly or elliptically polarized signal was received, the one who has intercepted the

signal cannot reproduce the signal or a reproduction would only be helpful when it is also circularly polarized.

Due to this fact, the interception and impermissible reproduction of the transmitted signals between the portable code transmitter and the transceiver located in the vehicle can be prevented. One who wants to impermissible intercept the signals has to bear a higher expense in order to also receive and evaluate elliptically or circularly polarized wave. Therefore, the possibility is smaller that the signals will be impermissibly intercepted because he or she must also send out signals that are again circularly polarized. Since the linearly polarized signals are the norm, the aggressor would not think about producing circularly polarized signals.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 4, and 7. Claims 1, 4, and 7 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 4, or 7, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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